

9189. Adulteration and misbranding of vinegar. U. S. * * * v. 38 Dozen Bottles, 5 Dozen Bottles, 36 Dozen Bottles, and 25 Dozen Bottles * * * of Distilled Spirit Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13994, 14060, 14061. I. S. Nos. 8685-t, 8681-t, 8682-t, 8683-t. S. Nos. E-2914, E-2906.)

On December 4 and 13, 1920, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of 38 dozen, 5 dozen, 36 dozen, and 25 dozen bottles, more or less, of distilled spirit vinegar, at Washington, D. C., alleging that the article had been offered for sale and sold at the District aforesaid, by C. W. Davis & Son, on or about November 3, September 11, July 1, and August 18, 1920, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Contains 8 Fluid Ozs." (or "11 Fluid Ozs.") "Analostan Brand Distilled Spirit Vinegar Colored For Table And Pickling Use Bottled By C. W. Davis & Son, * * * Washington, D. C. * * *"

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for distilled vinegar, which the article purported to be, and for the further reason that the article had been mixed and colored in a manner whereby damage or inferiority had been concealed.

Misbranding was alleged for the reason that the article was labeled "Distilled Spirit Vinegar 8" (or "11") "fluid ounces," which labeling was false and misleading and deceived and misled the purchaser by representing that the article was distilled spirit vinegar, whereas, in truth and in fact, it was not, but was a substance deficient in acetic acid, for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, distilled spirit vinegar, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9190. Adulteration and misbranding of oil of sassafras, oil of birch, oil wintergreen, birch oil, and oil wintergreen leaf. U. S. * * * v. James B. Johnson. Plea of guilty. Fine, \$250 and costs. (F. & D. Nos. 9240, 9668, 10123. I. S. Nos. 1135-p, 13611-r, 6401-r, 13603-r, 13607-r, 13639-r, 13642-r, 13640-r.)

On March 12, 1919, and thereafter, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three informations against James B. Johnson, trading at Hickory, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of North Carolina, on or about October 27, 1917, and November 30, 1918, into the States of New York and New Jersey, respectively, of quantities of oil of sassafras, on or about July 24 and November 30, 1918, respectively, into the State of New Jersey, of quantities of birch oil or oil of birch, on or about July 13, 1918, into the State of Ohio, of a quantity of oil of birch, on or about July 13 and August 15, 1918, respectively, into the State of New York, of quantities of oil of wintergreen or oil wintergreen leaf, and on or about November 30, 1918,

into the State of New Jersey, of a quantity of oil of wintergreen, all of which were adulterated and misbranded.

Analyses of samples of the oil of sassafras by the Bureau of Chemistry of this department showed that it consisted of an oil from some source other than sassafras, probably from waste camphor oil. Analyses of samples of the remaining articles showed that they contained synthetic methyl salicylate.

Adulteration of the oil of sassafras was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation, in that said Pharmacopœia provided that oil of sassafras should be distilled from the root of sassafras, whereas the article was not distilled from the root of sassafras, and the standard of the strength, quality, and purity of the article was not plainly stated on the container thereof. Adulteration was alleged for the further reason that a substance, to wit, an imitation sassafras oil or a substance prepared from waste camphor oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for oil of sassafras, which the article purported to be.

Misbranding of the oil of sassafras was alleged in substance for the reason that it was a product prepared from waste camphor oil in imitation of oil of sassafras, and was offered for sale and sold under the distinctive name of another article, to wit, oil of sassafras.

Adulteration of the remaining articles was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for oil of birch, oil of wintergreen, birch oil or oil wintergreen leaf, respectively, which the articles purported to be. Adulteration was alleged for the further reason that the articles were sold under and by names recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of the investigation, in that the articles consisted in part of synthetic methyl salicylate, derived from sources other than sweet birch, or wintergreen, as the case might be, whereas said Pharmacopœia provided that oil of birch, or birch oil, should consist exclusively of an oil derived from sweet birch, and that oil of wintergreen should be obtained from *Gaultheria procumbens*, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the articles considered as a food was alleged for the reason that said articles were products composed in part of synthetic methyl salicylate, derived from sources other than sweet birch or wintergreen, prepared in imitation of oil of sweet birch or oil of wintergreen, and were offered for sale and sold under the distinctive names of other articles, to wit, oil of birch or oil of wintergreen. Misbranding of the articles considered as drugs was alleged for the reason that they were products composed in part of synthetic methyl salicylate, derived from sources other than sweet birch or wintergreen, prepared in imitation of oil of sweet birch or oil of wintergreen, and were offered for sale and sold under the names of other articles, to wit, oil of birch or oil of wintergreen. Misbranding was alleged with respect to certain consignments for the reason that the statements, to wit, "4 cans oil birch," borne on one of the cans containing the articles, and "Oil of Wintergreen," or "2 cans Birch Oil," borne on the copies of express waybills attached to the cans containing the articles, regarding the articles and the ingredients and substances contained therein, were

false and misleading in that they represented that the articles consisted wholly of birch oil or oil of wintergreen, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of birch oil or oil of wintergreen, as the case might be, whereas, in truth and in fact, the articles consisted in part of synthetic methyl salicylate, derived from sources other than sweet birch or wintergreen. Misbranding was alleged with respect to the consignments of oil of wintergreen of August 15, 1918, into New York, and of November 30, 1918, into New Jersey, respectively, for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 5, 1919, the three cases having been consolidated under one proceeding, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$250 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9191. Misbranding of Leonardi's Injection No. 1. U. S. * * * v. 2 Dozen Bottles of * * * Leonardi's Injection No. 1. Default decree of destruction. (F. & D. No. 10543. I. S. No. 16503-r. S. No. E-1520.)

On or about June 13, 1919, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on or about July 12, 1919, an amended libel, for the seizure and condemnation of 2 dozen bottles of Leonardi's Injection No. 1, at Jacksonville, Fla., consigned by S. B. Leonardi & Co., Inc., New York, N. Y., alleging that the article had been shipped on or about March 8, 1918, and transported from the State of New York into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Leonardi's Injection No. 1 * * * For Gonorrhoea * * * Prepared Only By S. B. Leonardi & Co., New York, N. Y.;" (carton) "Leonardi's Injection No. 1 * * * Used in Gonorrhoea and Gleet * * *;" (shipping container) "For Male or Female Injection Leonardi's Specific No. 1. A Safe Remedy for the Relief of Gonorrhoea and Gleet in 3 to 5 Days."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an alkaline solution of borax, camphor, and berberine.

It was alleged in substance in the libel, as amended, that the article was misbranded for the reason that the labels upon the shipping containers, cartons, and bottles containing the article bore the above-quoted statements, regarding the curative and therapeutic effect of said article, which falsely and fraudulently represented it to be effective as a treatment, remedy, or cure for gonorrhea and gleet, whereas the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements.

On February 5, 1921, no claimant having appeared for the property, judgment was entered finding the article to be subject to condemnation, and it was ordered by the court that the same be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*